

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:

Larry D. Perryman, Sr.
Ella Louise Perryman, Debtor(s).

CHAPTER 13

CASE NO. 13-47436-MLO

JUDGE MARIA L. OXHOLM

**TRUSTEE’S OBJECTION TO DEBTOR’S PROPOSED
POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to the debtor’s proposed post-confirmation plan modification and states as follows:

1. The debtors filed for Chapter 13 relief on April 11, 2013. This matter was confirmed on March 28, 2014, which proposed monthly payments of \$550.00 for forty-eight (48) months and 0% dividend to unsecured creditors. The terms of the confirmed Plan also requires the debtor(s) to remit 100% of future income tax refunds to the Trustee for the benefit of creditors.

2. On July 26, 2018 the Trustee filed a motion to dismiss for the debtors’ failure to remit plan payments. This matter was adjourned to November 5, 2018.

3. On September 13, 2018, the debtors filed a post confirmation plan modification requesting to:

- a. remit a payment in the amount of \$240.00 monthly over the next six months for the sole purpose of paying in their 2013 income tax refund in the amount of \$715.00 and their 2014 income tax refund in the amount of \$692.00.

4. The Trustee objects to the debtor’s Plan modification, as the modification fails to address how the debtor will cure the current delinquency in Plan payments of \$3,222.45. The Trustee requests that the debtors cure this default over the remaining months of the Plan.

5. The Trustee notes that the debtor is obligated to remit 100% of future income tax refunds to the Plan. The Trustee states that it has not received any tax refunds or any information regarding the debtor(s) tax returns since Confirmation. The Trustee request copies of the debtors’ 2017 federal income tax returns to verify what amount, if any, is to be remitted to the Trustee pursuant to the terms of the confirmed Plan.

6. The Trustee requests that the debtors provide clarification regarding the proposed modification as according to the confirmed plan, the debtors provide “if the plan has not been completed in the minimum plan length, the plan length shall be extended as necessary for completion of the requirements of the plan...”. As this case has been pending for approximately fifty-four months, the debtors have accrued a delinquency in the amount of \$3,222.45 that has not been resolved. It should be further noted that as the case continued the debtors’ 2017 federal

income tax refund has become due and the debtors have failed to remit the tax return and remit the tax refund as required by the confirmed plan.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny the debtor's proposed plan modification and/or grant any relief this Court deems to be just and appropriate.

October 1, 2018

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT

Tammy L. Terry, Chapter 13 Trustee

/s/ TAMMY L. TERRY

/s/ TAMMY L. TERRY (P-46254)

Chapter 13 Standing Trustee

/s/ KIMBERLY SHORTER - SIEBERT (P-49608)

/s/ MARILYN R. SOMERS - KANTZER (P-52488)

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CERTIFICATE OF MAILING

I hereby certify that on October 1, 2018, a copy of **TRUSTEE’S OBJECTIONS TO DEBTOR’S POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATION** was electronically filed with the Clerk of the Court, served via Electronic Court Filing and/or a copy of same was deposited in the U.S. Mail to debtor’s(s)’ attorney (if any) or the debtor(s), if unrepresented, at the address as it appears below.

/s/ Patrice N. Watson

Legal Assistant

For the Office of the Chapter 13 Trustee-Detroit

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